

BOROUGH OF WATCHUNG

MAYOR AND COUNCIL

MINUTES

MEETING

JULY 20, 2017

7:30 PM

OPENING STATEMENT: Mayor Stephen K. Pote called the meeting to order at 7:33 PM and made the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD.

ROLL CALL:

Joren [P] Black [P] Nehls [P] Gibbs [P] Mobus [P] Sopko [P]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, CFO Bill Hance, Engineer Tom Herits, and Deputy Clerk MaryAnn Hance.

There were 25 members of the public present.

SPECIAL PRESENTATIONS

Honoring Barbara Diem

Mayor Pote read Resolution R1 (copy attached) and presented the framed copy along with a etched glass award naming her “Member Emeritus” of the Watchung Historical Committee. Barbara thanked everyone.

Councilman Mobus moved the following resolution with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

R1: Honoring Barbara Diem – Historical Committee

After the presentation, Diddy Addario came forward and read a statement of all the work and many achievements Barbara helped to see come to light with one of the major ones being the opening of the Texier Museum.

EAGLE SCOUT PROPOSAL:

Matthew King came forward to present his proposal for an Eagle Scout project to upgrade God’s Little Acre Cemetery. He gave a brief explanation of what he would like to do. He said there are many overhanging branches and vegetation overgrowth. Many of the gravestones are deteriorating and some are sinking below the ground. The cemetery contains the remains of two Revolutionary War soldiers, Jacob and James Smalley but they are lacking veteran markers. For part one of his project he will trim branches and remove the vegetation overgrowth. Part two of his project he will map out the cemetery; photograph and record current grave markers and inscriptions and research the people in the cemetery; and record all photos, maps and information about the inhabitants on his website. Mr. King said part three of the project would consist of placing two memorial stones in front of the current gravestones of the two Revolutionary War Veterans. Mr. King said he would like to ask the support of the Mayor and Council to do this project. Councilman Mobus said there are some funding requirements for this project and 50% of the funding required could be supported by the Historical Committee and Mr. King is seeking the additional funding, approximately \$165 per grave marker, from the Borough. Councilman Gibbs asked Matthew if he is replacing the existing markers or adding new ones. Mr. King said they are new markers which will be placed in the ground right in front of the existing gravestone. Councilman Mobus questioned the cost and Ms. Tucker clarified that the cost is \$325 per marker not \$165. Councilman Black asked how many veterans are buried in the cemetery and Mr. King said there may be additional sites that may be buried in the ground but at this time he only knows of the two. Councilman Nehls said Buildings and Grounds should also be able to help with the funding. Councilman Gibbs requested that Mr. King return and present the final results to the Mayor and Council. Mayor Pote suggested contacting Mr. Meyer, the historian for further information.

Ms. Sue Tucker said Mr. King must do the research and cannot actually do the work until the project is approved. She said it is at the County Regional Counsel now for their approval and Mr. Meyer is definitely on the list of contacts.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – No report – Councilman Gibbs said there is a meeting scheduled for Monday, July 24, 2017 at 8 AM.

2. Police – No report.

3. Public Works / Buildings and Grounds- Councilman Nehls reported Public Works employees removed overhanging cut branches, installed speed limit signs on Washington Drive, pothole repairs. The Department also painted the lines on both Mobus and Stirling Road parking lots, and cut vegetation and dead trees along Mountain Boulevard sidewalk at Watchung Lake and removed trees at the Texier House along the brook and a split rail fence will be placed in that area. Public Works met with the tree expert and they identified those trees which were dead and should be removed and the process has begun to remove these. Councilman Nehls also said they are meeting with Traffic and Beautification to get their input on what to replant to reclaim the property along Watchung Lake. Councilman Nehls reported that discussions have been started on dredging Watchung Lake and Mr. Herits will begin getting some ideas and costs for the project. Councilman Nehls said it is hoped that some of the dredge material can be used as part of the bank and there is a possibility there may be grant money available. He said there are many regulations which must be followed for the removal.

4. Public Affairs:

Open Space – No report

Environmental – Councilman Sopko had no report for Environmental. However, he wanted everyone to know that his children have been attending the Watchung Summer Camp and having a blast. Desiree and all the Counselors are doing a phenomenal job.

Recreation – Councilman Mobus reported the camp is running very well and additional campers are continuing to sign up.

Historical – Councilman Mobus reported there was a meeting last evening and most of the discussions were regarding the Sears Mural. The Committee suggests that a materials conservations company do a feasibility study which would cost \$2,500. If the mural can be removed it is estimated the removal could cost anywhere from \$14,000 to \$50,000 and the conservation and installation to another location an additional \$10,000 to \$50,000. The possible total cost could be as much as \$100,000. Many residents want the mural saved and suggested starting a “go fund me” site. The Historical Committee could use some of their funds for the feasibility study and then start a campaign to raise additional funds. Councilman Mobus also said as a backup plan a professional photographer could take digital photos and reproduce in any size the Borough would want. The cost to hire a photographer would be \$250.00. It was the consensus of the Council to approve the feasibility study for \$2,500.00, which will come from donation monies and the \$250.00 for the photographer from the Borough budget.

Board of Health – No report.

5. Fire – Councilman Black reported that some of the By-Laws have been rewritten and there is a committee meeting scheduled for next Thursday. He also said they are waiting on specs for the fire truck.

6. Laws/Ordinances – No report.

REPORTS - OTHER:

7. Engineer – Mr. Herits reported the 911 Memorial base is complete and it is now ready for the next step. The artist will be here next week to start work on the design and once completed the grading and landscaping will be completed. Mr. Herits also said the Valley Drive project has started and some of the miscellaneous drainage projects have been completed and all inlet heads on Valley Drive have been replaced. He said there is a resolution on the agenda tonight to award the Washington Drive Contract to Topline Construction and once approved he will get the paperwork out and set up a preconstruction meeting with the company. Mr. Herits also said he and Bob Burns are trying to set up a meeting with Stavola who is the Morris County Co-op contractor this year for the miscellaneous roads that we will mill and pave. He said the paperwork for the Firehouse is at the Borough and the only thing they are waiting for is a financial statement from the contractor and once signed it will be ready to start. Mr. Herits said he will be meeting with the water company tomorrow to see if he can work something out with them to get irrigation to the one center island on Somerset Street. The excavation at Spratford Park is the responsibility of the gas station and Councilman Nehls said samples are still being taken in other areas to see how far it goes. Mr. Herits reported that PARSA is going to be initiating a program where they will be cleaning the lines every year for Municipalities, doing 1/4 to 1/5 of the town each year and then began again. He said there is a cost for this so the Borough should consider it in the budget for next year. Councilman Black asked if this would include the northeastern area that feeds into the Berkeley Heights meter and Mr. Herits said it will include the entire Borough.

8. Police Chief – No report

9. Fire Department – No report

10. Rescue Squad – Denise Wilson reported on the monthly statistics. She also said Adam Wexler has just celebrated 15 years with the Squad and is now a life member. He has chosen not to ride any longer but is always welcome to all squad events. She said he will be missed. Ms. Wilson said the

squad is looking for estimates to repair the ceiling and also some electrical repairs and cleaning, repairing and painting to the outside of the building. She then explained a new response system which will send alerts from the dispatcher to cell phones and members will be able to respond to these messages. There is no cost for this system.

11. Emergency Management – No report

12. Attorney – Mr. Cruz had no report other than there are two items for Executive Session this evening.

13. Clerk – Ms. Hance reminded Council it is Bill payment night to please sign the Resolution before leaving. She then wished Councilman Mobus and Councilman Gibbs Happy Birthday.

CFO Mr. Hance reminded everyone about the Farmers Market at Best Lake. Last Sunday was the first day of the Market and it was well attended and there is a possibility of two or three new vendors.

14. Administrator – Mr. Atkins reported only two bids were received for the Washington Drive project and the low bid was well within the estimate and the difference between the two was about \$50,000. Mr. Atkins also said the State adopted the Budget on July 5th and there was some additional monies allocated to school districts and the number for Watchung was not significant but any additional amount is a good thing. He then said due to the delay in the State funding many towns, including Watchung, will be sending tax bills out later and there will be an extended date for delinquencies. Once the Tax Collector has certified the bills have been sent interest is not charged for 25 days. A resolution will be on the August 17th meeting to extend the due date for interest rate grace period.

Council President Joren reported there was a brief meeting with PSE&G about the lights on Somerset Street. She said the soft yellow lights are out since PSE&G is moving to LED lights which are not ready. The Borough can go from 150 Watt to 100 Watt which would be less intensity. PSE&G has not gotten back to her yet.

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held prior to action taken on Agenda items for agenda item discussion only, and another Public Portion is held at the end of the meeting for general discussion. Individuals commenting from the audience will be limited to three minutes per person, and will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given five minutes to make the presentation for the group.

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Prior to opening the public portion for agenda items Mayor Pote read the following statement:

“The Borough received recommendations from the Affordable Housing Subcommittee presenting options for the Borough to meet its constitutional obligation to provide a realistic opportunity for the creation of low and moderate income housing in the Borough.

The Borough is pursuing those options, including discussions with private property owners and will present those options to the Superior Court appointed Special Master and the affordable housing advocacy group, the Fair Share Housing Center, in an attempt to resolve the pending litigation.

In fact, one of those options is on the Agenda tonight. R8 is a Resolution authorizing the Mayor and Clerk to sign an Agreement with the private property owner of 495 Watchung Avenue to deed restrict 3 existing but new units at this address for moderate income rental units.

Because these discussions are in furtherance of settlement of litigation, the Borough is limited in what is discussed publically.

The Borough will also seek an extension of its temporary immunity from builder's remedy lawsuits which expires on August 31, 2017.

However, I do want to address a rumor I understand is circulating in the Borough that the Superior Court will fine the Borough if the Borough does not have an affordable housing plan by August 31, 2017.

If the Borough is unsuccessful in being granted an extension of its temporary immunity, the Borough may be sued by a builder but the Borough will not be fined by the Superior Court”.

Thank you.

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PUBLIC PORTION / AGENDA ITEMS ONLY

Ray Barrett, Valley Drive asked if someone has approached the owner of the Sears property regarding the mural. Mayor Pote said the new owners have been contacted and Councilman Mobus said once the cost is known for either the removal or some other avenue to save the mural the Borough will discuss further with them. Mr. Barrett also asked if there is any way to get the State to classify the mural as an historical artifacts. Councilman Black said the mural is very unique and maybe the State should be

contacted to have them add it to the Historical Preservation list. Diddy Addario suggested looking into possible grant money.

Ms. Cohen, Hill Hollow Road questioned if additional trees will be cut down along the Watchung Lake. Councilman Nehls said some will be trimmed and others will be removed due to disease or because they are hanging over power lines. She asked if the removal could wait a few months because it is nesting season.

Dorothy Addario, said she has been in contact with the Seritage people regarding the mural and she is supposed to contact them again to let them know what has transpired at the Historical Committee meeting and the Council meeting. She also said measurements of the wall behind the dais and although it is wide enough the height and the wainscoting would have to be removed. She also said Tim Logan suggested the possibility of cutting the wall and preserving it for outdoor and placing it at Spratford Park by the Watchung sign.

UNFINISHED BUSINESS

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda items listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

Approval of the following Council minutes:

June 15, 2017, Regular and Executive Sessions
June 22, 2017, Special Meeting
June 28, 2017, Special Meeting Regular
July 12, 2017, Bid Opening

Acknowledging Receipt of the following Borough Reports:

Board of Health Minutes – April 19, 2017
Planning Board Minutes – April 18th, and May 16, 2017
Building Department Report – June, 2017
Police Activity Report – June, 2017
Library Advisory Committee Minutes – May 3, 2017

Acknowledging Receipt of the following Correspondence:

- #32- Watchung Board of Health 6/22/17 Requesting support and requesting assistance in promoting public awareness in regard to the "Overdose Prevention Act", commonly known as the "Good Samaritan" or "Immunity Law" c: M & C
- #33- NJ Transit Corporation 6/29/17 Notice of Request for Federal Financial Assistance and Request For Public Input c: M & C, TEA, Post
- #34- Township of Berkeley Heights 6/30/17 Notice of Introduction and of two (2) Land Use Ordinances, 17-2017 Amending, Repealing, and Replacing Previously Adopted Ordinance 16-2017 regarding Affordable Housing Regulations; 18-2017 Amending Revising and Supplementing two Zones in Connection with Affordable Housing c: M & C, TEA, S. Warner
- #35- State of New Jersey Department of Agriculture 7/11/17 Application for survey of gypsy moth egg masses due by August 18, 2017 c: M & C, AMcCoy
- #36 County of Somerset Department of Human Services 7/12/17 Award of 2017 Annual Grant to Youth Services Commission c: M & C, WH, LM

CONSENT AGENDA RESOLUTIONS: The Consent Agenda Resolutions listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

R2:07/20/17 Purchases Over \$2,000. – East Coast Emergency Lighting (2 PO's) (PD – Vehicle Lights & Equipment)
G & J Development, LLC (Const. – Return Fee)
Pinto Brothers (B&G – Bulk Waste Pick-Up)
Penyak Roofing Co. (Cap. – Texier House Improvements)
Skip Bell (Cap. – Texier House Repairs)
Elan City (Police – Radar Speed Signs)
Authentic Environments Inc. (Comm Found- 911 Memorial)

R3: Appointment of Administrative Assistant / Finance Department – Elvia Horsfall

- R4: Authorize an Expansion of Contract / Maser Consulting - Continuing Housing Advisory Services
- R5: Appointments to Historical Commission – C. Blackadar; T. Logan, S. Parikh
- R6: Authorize Clerk to Issue Raffle License – Sisters of Mercy of The Americas
- R7: Urging Legislators to Support and Adopt Affordable Housing Reform
- R8: Urging Legislators to Support Legislation to Extend the 2% Cap on Police and Fire Arbitration Contract Awards
- R9: Appointment of Building Inspector; Fire Sub-code Official and Fire Inspector – Len Young, Joe Popolo
- R10: Authorize Mayor and Clerk to Sign Agreement – Tom Tom Realty / 495 Watchung Avenue
- R11: Authorize Professional Service Contract – Steven K. Warner, Esq. / Interim Bd. of Adj. Attorney
- R12: Award of Bid – Improvements to Washington Drive / Top Line Construction
- R13: Authorize Appointment to Recreation Commission / Carolyn Taylor
- R14: Authorize Appointment to Green Team / Anastacia Benc

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NON-CONSENT AGENDA ITEMS: Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Introduction of Ordinance OR:17/09 entitled: **"AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG CH. 5-12-12.76 ET. SEQ., THEREOF AND TO FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES"** Public Hearing to be held on August 17, 2017.

Council President Joren moved Ordinance OR:17/09 be given its first reading. So ordered. Council President Joren moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye." Public Hearing to be held on August 17, 2017.

- R15: Introduction of Ordinance OR:17/09 – 2017 Salary Min/Max

Councilman Gibbs moved the following resolution with a second by Council President Joren and upon roll call the vote was as follows: Black, "abstain", Joren, Nehls, Gibbs, Mobus, Sopko, "aye."

- R16: Waive Chapter 2-25.10 of the Code – Gray's Florist & Greenhouse

Councilman Gibbs moved the following resolution with a second by Council President and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

- R17: Payment of Bills

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PUBLIC PORTION - GENERAL DISCUSSION

Ray Barrett, Valley Road, asked if a date has been set for the discussion on the deer culling for next year and Mayor Pote informed him a meeting has been scheduled for September 28th at 7:00 PM. The Mayor also said there will be an agenda prepared and will be followed.

Rachel Funcheon, Cedar Road mentioned there had been an extensive ground count of the deer and Mr. Atkins said as far as he knows there has not been one. Council President Joren and Councilman Nehls said they had received this information and the count was done by Dr. Kelly from Raritan Valley. Ms. Funcheon questioned the cost and was told there was no fee charged. Ms. Funcheon then stated there have been no Wildlife Management meetings since January and there are only members who are in favor of a deer hunt and decisions are made based on these members. Attorney Albert Cruz stated the Wildlife Management Committee is an advisory committee and the ultimate decision is made by the Council. Council President Joren said Ms. Funcheon's point regarding members of the committee are correct and there should be a balance of members for and against a hunt. Mayor Pote said input will be taken from all sides at the September 28th meeting.

Ralph Diem, Mountain Boulevard said he would like to volunteer to stain the gazebo and asked how he would go about getting permission to do this. Mr. Cruz said Mr. Diem would have to follow the same process as for the 911 Memorial and he would have to also have insurance.

Pete Martino, Sunbright Road asked if the question regarding a deer hunt could go on referendum and Councilman Nehls responded it would be non-binding. He then mentioned the grass was not cut for the Fourth of July weekend and the Welcome to Watchung signs are in very bad shape. Council President responded that there are not many complaints from residents about the grass not being cut and she was in Watchung the entire weekend and said everything looked fine.

Councilman Sopko asked Mr. Martino if he would like the signs replaced and Mr. Martino said yes since the signs are falling over. Dorothy Addario said these signs have been discussed by the Historical Committee and there is only one original sign still in place. Mayor Pote said Public Works will look at the signs. Councilman Nehls said they would still want input from the Historical Committee.

Tim Logan, Stirling Road said he would not want our town to look like every other town with signs that have advertisements on them. He also said he is not a hunter but does think there is a need for responsible management of the deer population. He said preserving anything in Watchung is very important.

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Council President Joren moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

R18:07/20/17 Executive Session:

Litigation – In the Matter of the Borough of Watchung for a Judgment of
Compliance of its Third Round Housing Element and Fair Share
Plan, Docket No. SOM-L-902-15

Contract Negotiations – Washington Drive Detention Basin

Upon return to regular session all Council members previously in attendance were again present.

There being no further business to come before the Council, the meeting was adjourned at 11:25 PM to the Call of the Chair and to the next scheduled meeting of the Mayor and Council to be held on Thursday, August 17, 2017 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk